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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15

16 MMCA GROUP LTD., a Virginia corporation,

17 Plaintiff,

18 v.

19 HEWLETT-PACKARD COMPANY, a  
20 Delaware corporation, BUSINESS RISKS  
21 INTERNATIONAL, LIMITED, a foreign  
22 corporation, PICA CORPORATION, an Ohio  
23 corporation,

24 Defendants.

25 No. C-06-7067 MMC (EMC)

26 STIPULATION AND [PROPOSED]  
27 ORDER CHANGING ADR DEADLINE

28 [Fed. R. Civ. Proc. 6(b), Civil L.R. 6-1,  
6-2, 7-1, ADR L.R. 6-5]

[No Hearing Required]

Judge: Hon. Maxine M. Chesney

29 I. INTRODUCTION

30 Hewlett-Packard Company (“HP”), PICA Corporation (“PICA”), Business Risks  
31 International Ltd. (“BRI”), and MMCA Group Ltd. (“MMCA”), respectfully submit this  
32 stipulation and [proposed] order pursuant to Federal Rule of Civil Procedure 6(b), Civil Local  
33 Rules 6-1, 6-2, 7-1 and ADR Local Rule 6-5 requesting the Court extend the deadline for ADR  
34 to November 30, 2007.

35 II. BACKGROUND FACTS

36 On July 27, 2007, the Court signed the parties’ [Proposed] Order Selecting ADR  
37 Process with an October 1, 2007 deadline for mediation. *Docket 178.* The parties subsequently

1 agreed to use Retired Magistrate Judge Edward A. Infante as a mediator. Unfortunately, the  
2 parties could not schedule a mediation date with Magistrate Judge Infante before October 1,  
3 2007.

4 III. GOOD CAUSE EXISTS TO GRANT THE REQUESTED  
5 ENLARGEMENT OF TIME

6 The parties cannot schedule a mediation with Magistrate Judge Infante by the  
7 current deadline. Using a mediator who is agreeable to all parties encourages them to be open  
8 with the mediator and confident in the mediator's advice, and will improve the chances of  
9 resolution.

10 The current ADR deadline would require the parties to proceed without basic  
11 discovery information that would help them prepare for mediation. Additionally, the parties are  
12 meeting and conferring on discovery and initial disclosure issues that, when resolved, will  
13 provide more information that will facilitate mediation. Extending the ADR deadline would give  
14 the parties an opportunity to obtain this information before mediating, which will make them  
15 better prepared for mediation.

16 IV. THE REQUESTED TIME MODIFICATION WOULD NOT DELAY  
17 THIS CASE AND MAY SHORTEN ITS DURATION

18 There were few previous time modification in this case. *See* Declaration of  
19 Kristen A. Palumbo, ¶ 2. Extending the deadline for mediation to November 30, 2007 would not  
20 extend other deadlines. Granting the requested time modification means the parties are more  
21 likely to have the information and resources they need to consider settlement, which, if achieved,  
22 would end this case entirely.

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1 V. CONCLUSION  
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3 For the reasons discussed above the parties respectfully request the Court extend  
4 the deadline to complete ADR to November 30, 2007.  
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6 DATED: September 14, 2007  
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14 DATED: September 14, 2007  
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26 *Signatures continued on next page*  
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1 DATED: September 14, 2007

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1                   **[Proposed] Order Extending ADR Deadline**

2                   IT IS HEREBY ORDERED that the deadline for the parties' ADR session is  
3                   extended to November 30, 2007.

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5                   **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

6                   Dated: September 18 , 2007

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8                     
Hon. Maxine M. Chesney  
United States District Judge

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